

Senate File 2118 - Introduced

SENATE FILE 2118
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 177)

A BILL FOR

1 An Act relating to domestic abuse protective orders and pets or
2 companion animals owned or held by a petitioner, respondent,
3 or minor child of the petitioner or respondent in a domestic
4 abuse case.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.3, subsection 1, Code 2014, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *0g.* Name or description of any pet or
4 companion animal owned, possessed, leased, kept, or held by the
5 petitioner, respondent, or minor child of the petitioner or
6 respondent whose welfare may be affected by the controversy.
7 However, this paragraph shall not apply to livestock as defined
8 in section 717.1, held solely or primarily for commercial
9 purposes.

10 Sec. 2. Section 236.4, Code 2014, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 3A. The court may include in the temporary
13 order issued pursuant to this section a grant to the petitioner
14 of the exclusive care, possession, or control of any pets or
15 companion animals owned, possessed, leased, kept, or held by
16 the petitioner, respondent, or minor child of the petitioner or
17 respondent whose welfare may be affected by the controversy.
18 The court may forbid the respondent from approaching, taking,
19 transferring, encumbering, concealing, molesting, attacking,
20 striking, threatening, harming, or otherwise disposing of the
21 pet or companion animal. This subsection shall not apply to
22 livestock as defined in section 717.1, held solely or primarily
23 for commercial purposes.

24 Sec. 3. Section 236.4, subsection 4, Code 2014, is amended
25 to read as follows:

26 4. If a hearing is continued, the court may make or extend
27 any temporary order under subsection 2, ~~or~~ 3, or 3A that it
28 deems necessary.

29 Sec. 4. Section 236.5, subsection 1, paragraph b, Code 2014,
30 is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (7) A grant to the petitioner of
32 the exclusive care, possession, or control of any pets or
33 companion animals owned, possessed, leased, kept, or held by
34 the petitioner, respondent, or minor child of the petitioner or
35 respondent whose welfare may be affected by the controversy.

1 The court may forbid the respondent from approaching, taking,
2 transferring, encumbering, concealing, molesting, attacking,
3 striking, threatening, harming, or otherwise disposing of the
4 pet or companion animal. This subparagraph shall not apply to
5 livestock as defined in section 717.1, held solely or primarily
6 for commercial purposes.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to domestic abuse protective orders
11 and pets or companion animals owned or held by a petitioner,
12 respondent, or minor child of the petitioner or respondent in
13 a domestic abuse case.

14 The bill provides that a person who files a petition for
15 relief from domestic abuse pursuant to Code section 236.3 may
16 include in the petition the name or description of any pet or
17 companion animal owned, possessed, leased, kept, or held by the
18 petitioner, respondent, or minor child of the petitioner or
19 respondent whose welfare may be affected by the controversy.

20 The bill further provides the court may include in both
21 temporary and permanent orders issued a grant to the petitioner
22 of the exclusive care, possession, or control of any pets or
23 companion animals owned, possessed, leased, kept, or held by
24 the petitioner, respondent, or minor child of the petitioner or
25 respondent whose welfare may be affected by the controversy.
26 The court may forbid the respondent from approaching, taking,
27 transferring, encumbering, concealing, molesting, attacking,
28 striking, threatening, harming, or otherwise disposing of the
29 pet or companion animal.

30 The bill does not apply to livestock as defined in Code
31 section 717.1, held solely or primarily for commercial
32 purposes.